

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00
Personal Services	129,908	2,523	0	132,431	3,423	0	133,331	265,762
Operating Expenses	40,983	4,120	0	45,103	4,587	0	45,570	90,673
Total Costs	\$170,891	\$6,643	\$0	\$177,534	\$8,010	\$0	\$178,901	\$356,435
General Fund	0	0	0	0	0	178,901	178,901	178,901
State/Other Special	170,891	6,643	0	177,534	8,010	(178,901)	0	177,534
Total Funds	\$170,891	\$6,643	\$0	\$177,534	\$8,010	\$0	\$178,901	\$356,435

Agency Description

The Office of the Appellate Defender is an agency administratively attached to the Department of Administration. The Appellate Defender is hired by, and serves at the pleasure of, the Appellate Defender Commission. The Appellate Defender provides legal counsel for indigent persons who have been convicted and who then appeal district court convictions, or who petition for post-conviction relief from district court proceedings. The Appellate Defender also aids the commission by compiling and maintaining a current roster of Montana attorneys who are eligible to serve as trial and appellate defense counsel for the indigent if appointed by an appropriate court.

Summary of Legislative Action

The legislature approved \$14,653 in present law adjustments. Of the present law increase, \$9,353 was for statewide increases to fully fund personal services, adjustments for inflation and deflation, and funding for fixed cost payments to other agencies. The legislature approved one present law request to increase contracted services by \$5,300 for the biennium to fund expert witnesses and a private investigator. The legislature passed HB 124, which revised local funding. HB 124 also revised the source of funding for the Appellate Defender by replacing state special revenue from district court fees with general fund in fiscal 2003.

Other Legislation

House Bill 124 - HB 124 revised local government funding laws. HB 124 changed where revenues from fees and taxes previously collected by the counties are to be deposited. For the most part, these revenues are to be deposited in the state general fund. Impacts on counties are offset by entitlement payments made from the state general fund. HB 124 also funded the Appellate Defender functions with state general fund beginning in fiscal 2003.

Agency Budget Comparison								
Budget Item	Base Budget Fiscal 2000	Executive Budget Fiscal 2002	Legislative Budget Fiscal 2002	Leg – Exec. Difference Fiscal 2002	Executive Budget Fiscal 2003	Legislative Budget Fiscal 2003	Leg – Exec. Difference Fiscal 2003	Biennium Difference Fiscal 02-03
FTE	3.00	3.00	3.00	0.00	3.00	3.00	0.00	
Personal Services	129,908	132,431	132,431	0	133,331	133,331	0	0
Operating Expenses	40,983	48,703	45,103	(3,600)	49,170	45,570	(3,600)	(7,200)
Total Costs	\$170,891	\$181,134	\$177,534	(\$3,600)	\$182,501	\$178,901	(\$3,600)	(\$7,200)
General Fund	0	0	0	0	0	178,901	178,901	178,901
State/Other Special	170,891	181,134	177,534	(3,600)	182,501	0	(182,501)	(186,101)
Total Funds	\$170,891	\$181,134	\$177,534	(\$3,600)	\$182,501	\$178,901	(\$3,600)	(\$7,200)

Executive Budget Comparison

The legislative budget reflects a net decrease from the Executive Budget of \$7,200 for the biennium. The difference is due entirely to the legislature denying a request for increased costs for training.

Funding

In fiscal 2002, the agency is funded entirely from the district court criminal reimbursement state special revenue account, which derives revenue from taxes and fees collected on light vehicles. Funding for the agency is shifted to general fund in fiscal 2003, as the district court fees that previously funded this account will now be deposited in the general fund.

Present Law Adjustments										
-----Fiscal 2002-----						-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					2,523					3,423
Vacancy Savings					0					0
Inflation/Deflation					585					1,023
Fixed Costs					885					914
Total Statewide Present Law Adjustments					\$3,993					\$5,360
DP 2 - Appellate Defender Contracted Services										
	0.00	0	2,650	0	2,650	0.00	0	2,650	0	2,650
Total Other Present Law Adjustments	0.00	\$0	\$2,650	\$0	\$2,650	0.00	\$0	\$2,650	\$0	\$2,650
Grand Total All Present Law Adjustments					\$6,643					\$8,010

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 2 - Appellate Defender Contracted Services - The legislature approved an increase in contracted services for expert witnesses and a private investigator for current and anticipated court cases.

New Proposals										
-----Fiscal 2002-----						-----Fiscal 2003-----				
Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 124 - HB 124 Funding Switch										
01	0.00	0	0	0	0	0.00	178,901	(178,901)	0	0
Total	0.00	\$0	\$0	\$0	\$0	0.00	\$178,901	(\$178,901)	\$0	\$0

New Proposals

DP 124 - HB 124 Funding Switch - The legislature switched funding for the Appellate Defender from state special revenue to general fund to implement the effects of HB 124. HB 124 moved the costs for the Appellate Defender to the state general fund during fiscal 2003.

Language

Item [Appellate Defender] includes an increase of \$178,901 general fund in fiscal 2003 and a reduction of \$178,901 state special revenue in fiscal 2003 that are contingent upon passage and approval of HB 124.